

# **CITY COUNCIL PROCEEDINGS**

**Tuesday, April 5, 2011**

**6:00 p.m.**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Osborne called the regular April 5, 2011 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian, and Morzel.

City Manager Brautigam expressed her condolences to the family of Todd Walker for the recent tragic event on University Hill. She commended the Police Department and Community members for acting quickly. She noted the CU/City oversight committee meeting was very successful and a lot of valuable ideas were gained from that meeting.

**A. AWARD PRESENTATIONS: - 6:05 P.M.**

**1. COLORADO AMERICAN PUBLIC WORKS ASSOCIATION AWARD  
RECOGNITION FOR FIVE CITY OF BOULDER PROJECTS:**

- **SMARTREGS**
- **BROADWAY RECONSTRUCTION PROJECT**
- **SUSTAINABLE ENERGY PERFORMANCE CONTRACTS**
- **REGIONAL FIRE TRAINING CENTER**
- **BETASSO AREA PIPELINE REPLACEMENT PROJECT**

**2. GREEN BUILDING INSTITUTE – LEADERSHIP IN ENERGY &  
ENVIRONMENTAL DESIGN (LEED) GOLD CERTIFICATION – REGIONAL  
FIRE TRAINING CENTER.**

**3. COLORADO AMERICAN INSTITUTE OF ARCHITECTS (AIA) AWARDS –  
REGIONAL FIRE TRAINING CENTER.**

Mayor Osborne accepted five awards from the American Public Works Association (APWA), one from the Green Building Institute and one from the Colorado American Institute of Architects. Keith Reester, Loveland's Director of Public Works, presented the APWA awards. Josh Radoff, Principal for YRG Sustainability, the independent LEED consultant to the Green Building Certification Institute presented the Gold LEED award for the Fire Training Center. Herb Roth, Principal for Roth + Sheppard Architects presented other awards from the American Institute of Architects.

**B. LIVE, WORK, PLAY VIDEO PRESENTATION. – 6:22 P.M.**

Staff showed a video, hosted by Council Member Morzel, of the North Boulder "Nobo" area that was involved in a Statewide Live, Work, Play 2011 People's Choice Award competition. Residents were encouraged to go to [www3.drcog.org/liveworkplay](http://www3.drcog.org/liveworkplay) and vote for Boulder! An individual could vote as many times as they want.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:28 p.m.**

Mayor Osborne limited speakers to two minutes as more than 15 speakers were signed up.

1. Dana Derichsweiler, Walnut Café owner, spoke in support of Mobile Vending Trucks in Boulder and proposed some changes; 1) a decrease to a minimum of 50 feet from brick and mortar and 100 feet from like restaurants; 2) create a food truck pod where 4 or 5 trucks could gather.
2. Allyn Feinberg representing the Open Space Board of Trustees requested that Council reconsider the requirement that horses remain on trail. There was no opportunity for horse back community and the Open Space Board to present any environmental information.
3. Richard Demuth raised concern about the Library's computer use policy and provided a hard copy of his comments.
4. Rayme Rossello owner of Comida the pink taco truck, spoke in favor of mobile food vehicles. She proposed that they would love the opportunity to serve food after 10 p.m. and possibly until 2 a.m. to add variety to the downtown and also to be allowed in and around the community parks.
5. Jennifer Kronenberg spoke to the West TSA and urged Council to reconsider its decision regarding horses off trail. She suggested Council keep the gates in Eldorado Valley open only to local users and a tax system for users.
6. Dirk Arnold, President of the Boulder County Horse Association, also spoke in support of Council reconsidering its decision on horses off trail.
7. Cindy Johnson representing the Eldorado Springs Valley neighbors noted a petition of 300 signatures was provided to Open Space and urged Council to reconsider its horses off trail decision.
8. Sarah Ruebsamen spoke to the single use consumption of plastic bags and indicated a desire to work with the City of Boulder to reduce the use of plastic bags.
9. Shannon Aten a mobile food vendor owner requested council allow residential and parks locations for trucks.
10. Kevin Farrell spoke to sign code issues with various bright and loud signs throughout the city.
11. Scott Peppet urged Council to reconsider its action on the horse off trail decision related to the West TSA.
12. Tyson Ingraham a mobile food vendor owner suggested extending hours to the late night crowd.
13. Heidi Grimditch also requested Council reconsider its decision on the horse off trail portion of the West TSA.
14. Bill Briggs on behalf of the Open Space Board of Trustees indicated the board would meet Wednesday evening and would unanimously support a Resolution asking Council to reconsider its decision on the West TSA. This was primarily due to lack of process and lack of adequate factual information.
15. Brian Boone and his daughter Amelia spoke in support of Council's reconsideration of the West TSA commenting that horses are less of an impact on wildlife and no more harmful than hikers or bikers.
16. Seth Brigham spoke regarding Canyon Pointe Apartments noting he was the first mentally ill disabled person to live there and they were now eliminating that and were now evicting smokers and incense from the building. He raised concern that there was corruption in Boulder Housing Partners.

17. Penny Barnow the owner of a piece of property at the corner of 57<sup>th</sup> and Independence near Boulder Municipal Airport raised concern that through the fence agreements were not being honored (House Bill 658).
18. Fred Thrall spoke in favor of Council reconsidering its decision on horses off trail. Mr. Thrall was also the only horse trail guide for the Open Space and Mountain Parks division.
19. Carolyn Brninski spoke to safety issues related to SmartGrid noting that residents would experience radio frequency radiation exposure.
20. Vern Seiroe also spoke to the airport grant echoing Ms. Barnow's comments.
21. Aiden O'Donovan an intern with New Era Colorado spoke to the use of plastic bags and urged Council to pursue a tax on their use. He invited Council to view a documentary on the following Friday in the CU Humanities 150 building at 6 p.m.

**City Manager Response:**

City Manager Brautigam commented that the analysis of the SmartGrid program would be a part of the larger Boulder Energy Future project.

**City Council Response:**

Council Member Gray indicated she would ask that item 3G be pulled from the consent agenda to discuss it more fully during the meeting.

Mayor Osborne commented that Council would have an opportunity to discuss the West TSA decision under Matters.

Council Member Morzel agreed with Mayor Osborne's comments that another opportunity to discuss the West TSA decision on horses off trail was needed. She also noted she was interested in discussing the extension of hours for mobile food vendors.

3. **CONSENT AGENDA: - 7:25 p.m.**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE FEBRUARY 15, 2011 CITY COUNCIL MEETING MINUTES.**
- B. **CONSIDERATION OF A MOTION TO APPROVE THE MARCH 1, 2011 CITY COUNCIL MEETING MINUTES.**
- C. **CONSIDERATION OF A MOTION TO ACCEPT THE COUNCIL RETREAT SUMMARY FROM JANUARY 21 AND 22, 2011 AND THE 2011 CITY COUNCIL GOALS.**
- D. **CONSIDERATION OF A MOTION TO RESCHEDULE THE APRIL 19, 2011 COUNCIL MEETING TO THURSDAY, APRIL 21, 2011 AT 6 P.M. DUE TO THE PASSOVER HOLIDAY.**

This item was pulled from the consent agenda for further discussion as a quorum of Council would not be present on April 21 and an alternate date was needed.

- E. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE FEBRUARY 8, 2011 CITY COUNCIL STUDY SESSION REGARDING THE UPDATE TO THE MASTER PLAN FOR WASTE REDUCTION.**
- F. **CONSIDERATION OF A MOTION TO ACCEPT THE FEBRUARY 22, 2011 STUDY SESSION SUMMARY ON THE CAPITAL INVESTMENT STRATEGY AND RELATED POTENTIAL BALLOT ITEMS.**
- G. **CONSIDERATION OF A MOTION TO ACCEPT A COLORADO DEPARTMENT OF TRANSPORTATION GRANT FOR AIRPORT PAVEMENT REPAIRS AND LAND PURCHASE.**

Council Member Gray pulled the item from the consent agenda to be discussed under public hearings.

- H. **CONSIDERATION OF A MOTION TO APPROVE GRANTING A PERMANENT EASEMENT TO LEFT HAND WATER DISTRICT ON 36,730 SQUARE FEET (0.84 ACRES) OF OPEN SPACE LANDS LOCATED ON THE SCHOOLEY OPEN SPACE PROPERTY EAST OF FOOTHILLS HIGHWAY AND NORTH OF NEVA ROAD. THIS IS A DISPOSITION OF OPEN SPACE LAND PURSUANT TO SECTION 177 OF THE BOULDER CITY CHARTER.**
- I. **CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN APPLICATION FOR A GREAT OUTDOORS COLORADO (GOCO) LOCAL PARKS & OUTDOOR RECREATION PLANNING GRANT.**
- J. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE THAT PROPOSES AMENDMENTS TO TITLE 8, "PARKS, OPEN SPACE, STREETS, AND PUBLIC WAYS" B.R.C. 1981 BY ALLOWING TEMPORARY STREET FURNITURE (A.K.A. CAFÉ SEATING) TO BE PLACED IN THE PUBLIC RIGHT OF WAY SUBJECT TO CONDITIONS AND SETTING FORTH RELATED DETAILS.**
- K. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE THAT PROPOSES AMENDMENTS TO TITLE 4, "LICENSES AND PERMITS," B.R.C. 1981, SPECIFICALLY RELATED TO SECTION 4-18-2, "PUBLIC PROPERTY USE PERMITS," B.R.C. 1981, REGARDING MOBILE FOOD VEHICLE SALES; ADDING A NEW SECTION 4-20-65, "MOBILE FOOD VEHICLE SALES," B.R.C. 1981; AND TITLE 9, "LAND USE CODE," B.R.C. 1981, AMENDING SECTION 9-6-5, "TEMPORARY LODGING, DINING, ENTERTAINMENT, AND CULTURAL USES," B.R.C. 1981.**

- L. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING THE REQUIREMENTS RELATED TO URBAN AND ARCHITECTURAL DESIGN INCLUDING SECTION 2-2-18, "DOWNTOWN DESIGN ADVISORY BOARD," B.R.C. 1981; STANDARDS RELATED TO THE USE OF PLANS AND GUIDELINES IN SECTION 9-2-15, "USE REVIEW," B.R.C. 1981; AND FORM, BULK, AND FLOOR AREA STANDARDS FOR THE DOWNTOWN ZONING DISTRICTS.**

City Clerk Lewis indicated Council Member Karakehian would need to recuse from this item and it would need to be voted on separately.

- M. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE ADOPTING THE UPDATED INTERGOVERNMENTAL AGREEMENT, "INTERGOVERNMENTAL AGREEMENT FOR IMPLEMENTATION OF THE KEEP IT CLEAN PLAN," A REGIONAL STORMWATER MANAGEMENT PROGRAM SERVING THE COMMUNITIES OF BOULDER, LONGMONT, LAFAYETTE, LOUISVILLE, ERIE, SUPERIOR AND BOULDER COUNTY.**
- N. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AUTHORIZING THE GRANTING OF A REVOCABLE LICENSE AGREEMENT FOR BOULDER BIKE SHARING LOCATIONS IN THE PUBLIC RIGHT OF WAY, ON CITY-OWNED PARCELS INCLUDING PARKS PROPERTY.**

Deputy Mayor Wilson moved, seconded by Appelbaum to introduce and order published by title only an ordinance amending the requirements related to urban and architectural design including section 2-2-18, "Downtown Design Advisory Board," B.R.C. 1981; standards related to the use of plans and guidelines in section 9-2-15, "Use Review," B.R.C. 1981; and form, bulk, and floor area standards for the downtown zoning districts. The motion carried unanimously 8:0; Karakehian recused.

Council Member Karakehian moved, seconded by Morzel to approve the consent agenda items 3A through 3C, items 3E and F, items H through K and items M and N. Items 3D and 3G were pulled. The motion carried unanimously 9:0.

4. **CALL- UP CHECK IN: - 7:29 p.m.**

Council Member Gray commented on the 2008 Pine Street potential call-up item noting that it would be helpful for the School Issues Committee to discuss the future plans for the various schools to better understand what would be happening ahead of when it might be proposed. She expressed that some individuals weren't aware that a third addition would be done to the Pine Street facility.

There was no interest in calling up any items.



## ORDER OF BUSINESS

### 5. PUBLIC HEARINGS: - 7:31 p.m.

#### A. **DIRECTION ON POLICY OPTIONS FOR THE BLACK BEAR AND MOUNTAIN LION COMPONENT OF THE URBAN WILDLIFE MANAGEMENT PLAN.**

Val Matheson, Urban Wildlife Conservation Coordinator, provided the presentation on the item. The purpose of the item was to seek council feedback on options to reduce trash as an attraction for black bears. Phase I was complete, Phase II (current) was in the options and analysis phase and Phase III would bring the draft and final plan to Council later in 2011. Option 1, the staff recommendation, was a adaptive management approach. The other options were variations requiring bear resistant trash containers. The Mountain Lion component focused on improving public awareness and communications.

Council Member Becker asked if there was a different component of the Urban Wildlife Plan where other wildlife species (coons, foxes, etc...) would be addressed. Ms. Matheson indicated additional chapters could be added in the future but nothing was currently planned.

Council Member Ageton asked about the extent of beehives in the City. Ms. Matheson noted staff did not have a good handle on those numbers as there was no requirement for permitting beekeepers. Ms. Ageton suggested she would like more information about the distinction and authority between the Open Space and Mountain Parks division (OSMP) and the Colorado Department of Wildlife (CDOW). For instance, could OSMP close an area if a mountain lion were present or did the CDOW do the closing. Staff verified that OSMP could close any area on its property and did not need permission but utilized CDOW primary for management of the animal. OSMP does provide services such as posting information about activities of animals but it was a shared responsibility with CDOW.

Deputy Mayor Wilson asked what other cities that faced similar issues were doing with respect to bears. Staff responded that Aspen currently required bear resistant containers but was a new program this year. Durango also switched its program but took the "it's not a problem until it's a problem" approach.

Council Member Appelbaum asked if there were any success stories where communities had tried the educational approach and it had really made a difference. Staff indicated that no municipality had reported that education had solely improved the condition. He also raised concern about whether option 2 was really equitable.

Council Member Morzel asked if staff would be looking at the project in a longer term scale as sometimes breeding patterns change. Staff responded that monitoring was very difficult but they were monitoring the variables annually that contribute to community issues. Council Member Morzel commented that cross-communication between communities would be helpful as well.

Council Member Appelbaum raised concern about utilizing locked trash containers. Staff commented that Eldorado Springs had gone to a program of using locked trash containers and automated trucks to secure trash 90% of the time.

The public hearing was opened at 8:02 p.m.:

1. Brenda Lee, Newlands neighborhood resident, strongly supported option 3 because Boulder should learn from other communities' experiences who were where Boulder is seven years ago and tried the approaches staff was recommending. She also suggested fiscal savings could be seen if trash removal options were opened up for more competition.
2. Tracy English indicated that for 4-6 weeks a mountain lion was living in her back yard unbeknownst to her. She urged Council to do more to actively education the public about mountain lions.

There being no further speakers the public hearing was closed.

Bryce Isaacson with Western Disposal noted that both automated and manual pick-ups were available from Western. The cost would be \$12 a month to provide a bear proof container to every resident on the West side of town. There were many different types of Dumpster latches and would cost about \$70 to retrofit a dumpster. Containers in Chautauqua Park had reinforced dumpsters that were around \$850 per container. The question really was – what is the city's definition of a bear resistant container.

Council Member Gray moved, seconded by Karakehian to support the staff recommended option for addressing trash and food waste attractants to black bears through building community awareness and utilizing an adaptive management approach based on program success (Option One); and support the staff recommended approach to improving mountain lion awareness and communication. The motion carried unanimously 9:0.

Deputy Mayor Wilson would like to see Boulder continue to monitor other communities' programs.

Council Member Ageton commented that monitoring should include all wildlife or provide more evidence that it's always bears.

Council Member Becker would like staff to consider more options regarding mountain lions, specifically partnering with CDOW on other management techniques including studying the deer population in Boulder.

Larry Rogsted? with CDOW spoke indicating he had recently worked with the City of Craig on deer population. He noted that chronic wasting disease was the highest in Boulder so the option to trap and relocate deer was not available. Hunting was the cheapest and most effective option but also was not an option due to Boulder's regulations. He suggested improving the notification system and e-mail system to residents. It would also be important to improve reporting as people feared the consequences and what might happen to the animal. Enhancing cooperation would also prove useful. CDOW was willing to sit and talk with City staff about what options were wanted and work together to implement those.

There was general Council interest in understanding the mountain lion study from CDOW.

Council Member Morzel suggested staff also look at how often compost and trash were picked up.

**B. EVALUATION OF THE NUISANCE MOSQUITO CONTROL PILOT PROGRAM AND FUTURE DIRECTION OF THE PROGRAM. – 8:52 P.M.**

Rella Abernathy, Integrated Pest Management Coordinator, provided the presentation on the item noting the purpose was to seek council direction on the future of the Nuisance Mosquito Control Pilot Program. She noted the results including decreased complaints with the exception of patrons from Stazio Ball Fields and the Greenbelt Meadows neighborhood, improved cooperation and data sharing with the county, and spraying on adjacent county properties was down 67% during the last two years of the expanded program.

Deputy Mayor Wilson commented that he watched the weekly data on West Nile issues and last season almost no mosquitoes infected with West Nile Virus were found. Ms. Abernathy confirmed that no positive pools were found in the City and an emergency was never reached where adulticide was necessary inside Boulder. She also confirmed that most of the money spent was on the monitoring program. Deputy Mayor Wilson asked how many years monitoring would continue if no West Nile was seen in the environment. Ms. Abernathy noted a continuous decrease of the disease but little is known about these types of diseases and their patterns and that further information would need to be gathered before this issue could be addressed. Deputy Mayor Wilson then asked about excess irrigation on agricultural lands and whether that was a contributor. Don D'Amico, OSMP Ecological Systems Supervisor, noted that there were no recent changes in irrigation practices and mosquito control was carried out according to the NMCPD plan. Flood irrigation return flows contribute to standing water in low-lying areas. In the South Boulder Creek Area staff has worked with its agricultural lessees to managed irrigation to reduce this standing water. Culverts have also been installed under trails and in other areas to reduce standing water and associated mosquito habitat.

Council Member Ageton raised concern about the potential for Bti to persist in habitats and whether there was any information about how long it took for that to build up.

Dr. Borris Kondratieff, professor of Entomology from Colorado State University responded that Bti's persistence is different in different environmental conditions. He noted there was more resistance is being seen among animals and humans but guessed that West Nile would continue to be seen in the future.

Mayor Appelbaum confirmed that the City of Fort Collins had a very similar program to Boulder's but in Fort Collins private companies could spray adulticide. The Larimer County Health Director makes the final decision with the town Council. Spraying for nuisance mosquitoes in Fort Collins is an option, but hasn't happened..

The public hearing was opened at 9:21 p.m.

1. Rick Floyd pooling time with Barbara Huff and Lynn Huff requested that the City follow Ottertail's complete treatment program for Greenbelt Meadows. 170 people signed a petition for this request. He commented that up to 50% of mosquitoes in Boulder were in their neighborhood. It was more than a nuisance. He requested that Council establish guidelines for the working group so that if any community gets into an intolerable situation a plan can be followed.



2. Debbie Hopkins, Greenbelt Meadows resident, commented that the situation was beyond a nuisance. Kids could not be outside in the summer because it was intolerable. He urged Council to enact mosquito management in her neighborhood.
  3. Rose Khubchandani felt she was being held hostage in her house due to the mosquito problem in her neighborhood. Please help this neighborhood.
  4. Gabriele Sattler pleaded that council keep the program. She no longer had a garden or parties because of the mosquito problem. When the fields nearby are flooded, the problems begin. There was at least 2 inches of water for at least 6 weeks in nearby fields.
  5. Barrett Weizz also with Greenbelt Meadows, suggested that if any neighborhood hits 150 mosquitoes in any given week by the trap count, then all the sites be treated by Ottertail.
- There being no further speakers the public hearing was closed at 9:38 p.m.

Council Member Morzel moved, seconded by Karakehian to continue with an enhanced nuisance mosquito control program that 1) targets mosquito control treatments, including more emphasis on irrigation practices and mechanical control of vegetation, to reduce complaints 2) Considers the environmental impacts of treatment decisions 3) Continues the partnership with Boulder County to reduce insecticide applications for adult mosquitoes on adjacent county properties 4) if more than 150 mosquitoes are counted in one week, all 35 breeding sites that Ottertail has identified are to be treated and 5) one citizen representative should be included on the working group. Both maker and seconder withdrew motion.

Ed Fleming with Ottertail Environmental spoke to the adult trap comments and noted that if anything different were to be done, the larval dip sites should be utilized rather than adult trap counts. Utilizing the adult trap counts could add a lot of complication to the process. The original pilot was designed for specific objectives. When the program was renewed, more specific objectives were implemented based upon complaints from neighborhoods with a balance for all objectives listed. Ottertail's recommendation was based off of balancing the environmental concerns with specific nuisance issues.

Deputy Mayor Wilson asked how high the correlation was between the adult count and larval count. Mr. Fleming commented that sometimes there was no correlation depending upon environmental factors. Ottertail didn't specifically provide recommendations which was the role of the working group but rather provided the scientific data and implementation based upon the working groups recommendations. Mr. Fleming felt neighborhoods were looking for something more fixed, based on count and the City was looking at case-by-case circumstances.

Council Member Becker asked how the neighborhood could receive enhanced help without adopting the 150 adult trap count. Susan Richstone expressed that staff was very sensitive to the public's concern. The staff recommendation doesn't have the original boundary of the pilot program, but would allow treatment to occur wherever sites produce larvae. Staff perceived its proposal as an enhancement to the program while still keeping environmental protection in mind.

She felt the difference was that staff was focusing on hot spots whereas the neighborhood wanted a more blanket treatment which did not take valuable environmental areas in mind. She also expressed that staff had a concern about adding a Greenbelt Meadows resident to the working group. The working group was a technical group and was solely an administrative process.

Council Member Appelbaum asked if there was any sense of how Open Space flood irrigation impacted nuisance mosquitoes. Ottertail commented that flood irrigation had a significant impact on the mosquito population in some areas. Don D'Amico commented that OSMP staff was working with its lessees to mitigate the problem and a closer look at some of the breeding sites could lead to further improvements.

Mayor Osborne asked if Ottertail would recommend agricultural flood water mitigation as part of the solution to the nuisance mosquito problem. Ottertail confirmed that yes, Ottertail was discussing this issue with the working group.

Council Member Ageton asked what other sites had significant nuisance mosquito problems besides Stazio and Greenbelt Meadows. Staff indicated that there were a handful of sites and traps would be placed in areas of high complaints to address areas that may be having a bigger problem. Council Member Ageton raised concern that the City not just collect data and suggested it was important to ensure the desired results were coming from the enhanced treatment. If desired results aren't received, a plan B or different strategy would need to be considered as noted by a Council Member previously.

Council Member Cowles commented that he would not support the motion as presented and would be supporting the staff recommendation.

Council Member Karakehian expressed concern about neighborhoods similar to where he's from in Boston where people don't go out at night and have fenced in porches due to mosquitoes. He would really like to know what the next option would be if this plan didn't work. The city needed to be ready to do something else if needed.

Council Member Morzel withdrew her original motion above.

Council Member Morzel moved, seconded by Karakehian to direct staff to continue with an enhanced nuisance mosquito control program that 1) targets mosquito control treatments, including more emphasis on irrigation practices and mechanical control of vegetation, to reduce complaints 2) Considers the environmental impacts of treatment decisions 3) Continues the partnership with Boulder County to reduce insecticide applications for adult mosquitoes on adjacent county properties. The motion carried unanimously 9:0.

Council Member Morzel encouraged staff to provide regular reports back to council.

**Item 3D was taken up at 10:19 p.m.**

**3D. CONSIDERATION OF A MOTION TO RESCHEDULE THE APRIL 19, 2011 COUNCIL MEETING TO THURSDAY, APRIL 21, 2011 AT 6 P.M. DUE TO THE PASSOVER HOLIDAY.**

Council Member Morzel moved, seconded by Ageton to suspend the rules and continue the meeting at 10:21 p.m. The motion carried 8:0; Karakehian opposed.

Council Member Morzel moved, seconded by Appelbaum to reschedule the April 19, 2011 Council meeting to Tuesday, April 12, 2011. Staff would return with information about what time and what items would be on the agenda. The motion carried unanimously 9:0.

**Item 3G was taken up at this 10:34 p.m.**

**3G. CONSIDERATION OF A MOTION TO ACCEPT A COLORADO DEPARTMENT OF TRANSPORTATION GRANT FOR AIRPORT PAVEMENT REPAIRS AND LAND PURCHASE.**

Council Member Gray raised several questions about the grant for airport repairs. Vern Seiroe testified that there was a “determination of no hazard for through the fences agreement” but the memo says the “agreements currently violate Federal Aviation Administration (FAA) regulations and present an unacceptable risk.”

City Attorney Tom Carr commented that the memo was written before the FAA published the regulations. The FAA would temporarily allow through the fence agreements if they met certain criteria.

Council Member Morzel moved, seconded by Appelbaum authorize the city manager to enter into an agreement with the Colorado Department of Transportation (CDOT) to accept grant No. 11-BDU-01. The motion carried unanimously 9:0.

**6. MATTERS FROM THE CITY MANAGER: - 11:12 p.m.**

**A. CONSIDERATION OF A MOTION TO ACCEPT THE WORK PROGRAM OUTLINE AND STAKEHOLDER STRUCTURE AND PROCESS TO DEVELOP A CAPITAL INVESTMENT STRATEGY. – 10:44 P.M.**

City Manager Brautigam indicated that she was recommending moving forward with a stakeholder committee which would look at the possibility of a November 2011 election bond issue to support only existing revenues and use information from staff and a scientific poll to determine community viability. A recommendation would be brought forward in July. The committee would then work for the next year to look at the possibility of a 2012 ballot issue to put new taxes on the ballot to support a bond issue for community enhancements that can't and haven't been achieved. Boards and Commissions members would be included on the stakeholder group and a widespread solicitation for members would begin immediately.

Council Member Becker asked the City Manager to please add the twenty-something, hip, entrepreneurial type on the stakeholder committee. City Manager Brautigam encouraged Council Members to provide her with names of suggested members.

Council Member Ageton suggested striking the young families and instead calling it a broad demographic. On page 6 regarding the round of polling it was it was clarified polling would occur in May. Staff would be working with Talmey Drake to develop the polling questions and in addition all boards and commissions would be asked to include suggestions for questions.

Council Member Appelbaum moved, seconded by Ageton to accept the work program outline and stakeholder structure and process to develop a Capital Investment Strategy.

**B. UPDATE ON DOME FIRE EXPENSES – 11:15 P.M.**

City Manager Brautigam indicated that Commissioner Ben Pearlman had requested that the item be removed from the agenda.

Council Member Morzel agreed with that request and asked for more information about past practices and suggested a more broad discussion take place at the April 28 Commissioners dinner

**7. MATTERS FROM THE CITY ATTORNEY:**

None.

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL: - 11:18 p.m.**

**A. POTENTIAL CALL-UPS:**

- 1. COMMUNITY AND ENVIRONMENTAL ASSESSMENT PROCESS (CEAP) FOR THE FOURMILE CANYON CREEK GREENWAYS IMPROVEMENT PROJECT 26<sup>TH</sup> TO 28<sup>TH</sup> STREET. INFORMATION PACKET DATE: FEBRUARY 22, 2011. LAST OPPORTUNITY FOR CALL-UP IS APRIL 5, 2011. APPROVED BY THE GREENWAYS ADVISORY COMMITTEE 5:0.**

No action was taken on this item.

- 2. LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT AN APPROXIMATELY 3,000 SQ. FT. ONE-STORY ADDITION AT THE EAST SIDE OF THE 2010 PORTION OF WHITTIER SCHOOL, A LOCAL HISTORIC LANDMARK LOCATED AT 2008 PINE STREET PER SECTION 9-11-18 OF THE B.R.C. (HIS2011-00012). INFORMATION PACKET DATE: MARCH 29, 2011. LAST OPPORTUNITY FOR CALL-UP IS APRIL 5, 2011. CONDITIONALLY APPROVED BY THE LANDMARKS BOARD, 3:2 (L. PODMAJERSKY AND K. NORDBACK OPPOSED).**

No action was taken on this item.

- 3. LANDMARK ALTERATION CERTIFICATE TO RELOCATE AND RESTORE THE LANDMARKED HOUSE ON THE PROPERTY AT 3160 AIRPORT ROAD PER SECTION 9-11-18 OF THE B.R.C. (HIS2011-00022). INFORMATION PACKET DATE: MARCH 29, 2011. LAST OPPORTUNITY FOR CALL-UP IS APRIL 5, 2011. CONDITIONALLY APPROVED BY THE LANDMARKS BOARD 5:0.**



No action was taken on this item.

**OTHER MATTERS:**

Mayor Osborne requested an opportunity to re-visit the horses on West TSA decision. A nod of five from Council was received to schedule this for a future discussion.

9. **PUBLIC COMMENT ON MATTERS:**

1. Gary Barnow asked Council why Council would want to buy the land at the airport and thought it was squandering taxpayer money.


10. **FINAL DECISIONS ON MATTERS:**

Vote was taken on the motion to accept the work program outline and stakeholder structure and process to develop a Capital Investment Strategy. The motion carried unanimously 9:0.

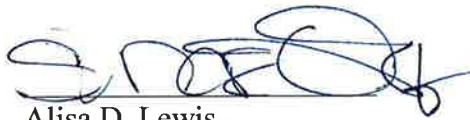
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 11:20 P.M.

APPROVED BY:

  
Susan Osborne,  
Mayor

ATTEST:

  
Alisa D. Lewis,  
City Clerk